

**B. REMARKS**

The Examiner is thanked for the performance of a thorough search. By this amendment, Claim 1 has been amended, and Claim 11 has been cancelled. The amendments to the claims do not add any new matter to this application. Claims 1-9 and 12-19 are currently pending.

All issues raised in the Office Action mailed January 12, 2009 are addressed hereinafter.

**REJECTION OF CLAIMS 1-3, 7 and 8 UNDER 35 U.S.C. § 102(e)**

Claims 1-3, 7 and 8 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Perkins, U.S. Publication No. 2003/0184782 (hereinafter “Perkins”). Applicants respectfully traverse this rejection.

“Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose **all elements** of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIN, Inc. v. Verisign, Inc.* Slip Op. 2007-1565 at p. 15. In reference to now cancelled Claim 11, page 9 acknowledges that Perkins does not teach “program logic” as recited in Claim 1. Therefore, Perkins does not teach all elements of Claim 1 as necessary for a proper anticipation rejection, and the Office Action fails to make a *prima facie* case of anticipation for Claim 1.

Furthermore, the additional art of record does not cure the deficiencies of Perkins and render Claim 1 obvious under 35 U.S.C. § 103(a). For example, in reference to now cancelled Claim 11, the Office Action asserts that Shin, U.S. Patent No. 6,351,320 (hereinafter “Shin”) teaches program logic, but even assuming *arguendo* this is true, the program logic is not included in configuration data retrieved from a printing device as recited in Claim 1. In fact,

Shin does not teach retrieving any sort of configuration data from a printing device, and specifically not configuration data that includes program logic data. Therefore, Shin and the other prior art of record fails to cure the deficiencies of Perkins.

Dependent claims 2-3, 7, and 8 introduce additional limitations that independently render them patentable, but due to the fundamental differences already identified between Claim 1 and the cited prior art, a separate discussion of those limitations is not included at this time.

Accordingly, Applicants respectfully request that the rejection of Claims 1-3, 7, and 8 be withdrawn.

#### **REJECTION OF CLAIMS 4-6 and 15-17 UNDER 35 U.S.C. § 103(a)**

##### Claims 4-6 and 15-17

Claims 4-6 and 15-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perkins in view of Hanson, U.S. Patent No. 6,148,346 (hereinafter “Hanson”). Applicants respectfully traverse this rejection.

In regards to independent Claim 15, page 7 of the Office Action states that “Perkins does not teach a printer driver configured to retrieve bitmap data from a printing device.” The Office Action, however, asserts that Hanson cures the deficiencies of Perkins, stating that “Hanson does teach a printer driver configured to retrieve bitmap data from a printing device” and citing to column 5, lines 13-22 of Hanson. The cited section of Hanson states the following:

FIGS. 3-8 illustrate examples of displayed menus of GUI objects 52 that include printer specific objects 54. Another embodiment, not shown, incorporates the GUI objects 52 into the menus of the application software 32 running on the operating system. For example, a printer options window of the common command

windows for Word 6.0 of a printer connected to the host computer system through a standard device driver and a printer connected to the host through the dynamic device driver 42 would be visually the same and may include similar printer options.

The cited portion of Hanson, as well as the rest of Hanson, makes no mention of bitmap data, and more particularly, contains no teaching or suggestion of “retrieve bitmap data from a printing device.” Accordingly, the prior art cited in the Office Action fails to teach or suggest all aspects of Claim 15, and therefore the Office Action fails to make a *prima facie* case of obviousness for Claim 15. Claims 16 and 17 depend from Claim 15 and are therefore allowable for at least all the same reasons as Claim 15.

Claims 4-6 depend from Claim 1 and are therefore allowable for at least all the same reasons as Claim 1. Additionally, portions of Claims 4-6 also recite retrieving bitmap data which, as discussed above in relation to Claim 15, is not taught or suggested by either Perkins or Hanson.

For at least all these reasons discussed above, the Office Action fails to make a *prima facie* case of obviousness for Claims 4-6 and 15-17, and Applicants respectfully request that the rejection of Claims 4-6 and 15-17 under 35 U.S.C. § 103(a) be withdrawn.

#### Claims 9 and 11

Claims 9 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perkins in view of Shin, U.S. Patent No. 6,351,320 (hereinafter “Shin”). The present response cancels Claim 11, rendering the rejection moot as applied to that Claim. Applicants respectfully traverse this rejection as applied to Claim 9.

Claim 9 depends from Claim 1 and is therefore allowable for at least all the reasons discussed above. For at least all the reasons discussed above, the Office Action fails to make a *prima facie* case of obviousness for Claim 9, and Applicants respectfully request that the rejection of Claim 9 under 35 U.S.C. § 103(a) be withdrawn.

#### Claims 12 and 13

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perkins in view of Wilson, (GB 2,347,766) (hereinafter “Wilson”). Applicants respectfully traverse this rejection. Claims 12 and 13 depend from Claim 1, and are therefore allowable for at least all the same reasons as Claim 1.

Additionally, Claim 12 recites:

the configuration data includes first version identification data that indicates a version of the configuration data retrieved by the printer driver, and the printer driver is further configured to:

**retrieve second version identification data from the printing device**, wherein the second version identification data indicates a version of the configuration data **maintained on the printing device**,

compare the first version identification data to the second version identification data,

and if the comparison of the first version identification data to the second version identification data indicates that the version of configuration data **maintained on the printing device** is more recent than the version of configuration data retrieved by the printer driver, then the printer driver **retrieving the more recent version of the configuration data from the printing device**.

Page 10 of the Office Action acknowledges that Perkins fails to teach or suggest Claim 12, but asserts that page 5, lines 7-34 of Wilson cures the deficiencies of Perkins. Wilson generally

describes a system for internet based printing using a web browser. *See* Wilson at Abstract.

Page 5, lines 7-26 generally teaches determining if a helper application is up to date, and contrary to the Office Action's assertions, contains no teaching or suggestion of "retrieve second version identification data from the printing device" or "configuration data maintained on the printing device." *See* Wilson at p. 5, l. 7-8.

Page 5, lines 28-34 generally describe checking to see if a printer driver is installed (as opposed to checking a version), but like the rest of Wilson contains no teaching or suggestion of "configuration data maintained on the printing device." In contrast, in Wilson, when a printer driver is not installed, a driver is "downloaded from the nearest software repository . . . using IP," which is clearly different from and non-analogous to "retrieving the more recent version of the configuration data from the printing device" as recited in Claim 12. *See* Wilson at p. 5, l. 33-34.

In addition to not teaching or suggesting all aspects of Claim 12, the combination of Perkins and Hanson also does not teach or suggest all aspects of Claim 13. Page 12 of the Office Action acknowledges that Perkins does teach Claim 13, which recites:

wherein the printer driver is configured to retrieve the configuration data **from the printing device** in response to an indication that the printer driver **is not fully compatible** with the printing device.

The Office Action asserts that page 5, lines 28-34 of Wilson cure the deficiencies of Perkins, but as discussed above, the cited portion of Wilson teaches determining if a printer driver is "installed" as opposed to if a printer driver is compatible with a printing device. Additionally, the cited portion of Wilson teaches downloading a driver from a software repository using IP as opposed to "from the printing device" as recited in Claim 13.

For at least all these reasons discussed above, the Office Action fails to make a *prima facie* case of obviousness for Claims 12 and 13, and Applicants respectfully request that the rejection of Claims 12 and 13 under 35 U.S.C. § 103(a) be withdrawn.

Claim 14

Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perkins in view of Vidyanand, U.S. Patent No. 6,967,728 (hereinafter “Vidyanand”). Applicants respectfully traverse this rejection.

Claim 14 depends from Claim 1 and is therefore allowable for at least all the reasons discussed above. Vidyanand does not, and is not even alleged to, cure the deficiencies of Perkins. Accordingly, the Office Action fails to make a *prima facie* case of obviousness for Claim 14, and Applicants respectfully request that the rejection of Claim 14 under 35 U.S.C. § 103(a) be withdrawn.

Claim 18

Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perkins in view of Hanson and further in view of Wilson. Applicants respectfully traverse this rejection.

Claim 18 depends from Claim 15 and is therefore allowable for at least all the reasons discussed above. Wilson does not, and is not even alleged to, cure the deficiencies of Perkins and Hanson. Accordingly, the Office Action fails to make a *prima facie* case of obviousness for Claim 18, and Applicants respectfully request that the rejection of Claim 18 under 35 U.S.C. § 103(a) be withdrawn.

Claim 19

Claim 19 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perkins in view of Hanson, and further in view of Vidyanand. Applicants respectfully traverse this rejection.

Claim 19 depends from Claim 15 and is therefore allowable for at least all the reasons discussed above. Vidyanand does not, and is not even alleged to, cure the deficiencies of Perkins and Hanson. Accordingly, the Office Action fails to make a *prima facie* case of obviousness for Claim 19, and Applicants respectfully request that the rejection of Claim 19 under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

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